

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY
TRANSPORTATION LICENSING COMMISSION**

Minutes of

February 22, 2005

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Nashville General Sessions Judicial Complex in Metro Center. The Commissioners present were Chair Cynthia Odle and Commissioners A. Roger Abramson, Ray Dayal, Holly Sharp, James Utley, and Sammye Woods (6). Also attending were Metro Legal advisor Jason Bergeron, Commission staff members Walter Lawhorn and Lisa Steelman, and Brian McQuiston, Director-Executive Secretary to the Commission.

Chair Cynthia Odle called the meeting to order and led the Pledge of Allegiance.

The minutes of the December 21, 2004 meeting were unanimously approved.

TAXI DRIVER APPLICATIONS

Mohdferas H. Alsharaiah: Mr. Alsharaiah appeared before the Commission without other representation or witnesses on his behalf. **Chair Cynthia Odle** noted that he had applied for a permit to drive for Checker Cab on February 9, 2005. Director Brian McQuiston informed the Commission that Mr. Alsharaiah's taxi driver permit had been revoked in November 1999 for failure to appear at a disciplinary hearing resulting from a dispute at the airport; that the Commission had also denied his application for a permit in May 2003, based on his motor vehicle report (excessive violations); and that Mr. Alsharaiah's current motor vehicle report met the standards for issuance of a permit. **Commissioner Holly Sharp** recalled that Mr. Alsharaiah's angry outburst at the May 2003 Commission meeting had frightened her, and expressed concern about whether it would be appropriate to permit someone with such an anger problem to transport the public. Mr. Alsharaiah apologized for his behavior; he stated that this would not be a problem in the future, and that working with a different company would make a difference. **Commissioner James Utley** asked him if he had other people who could vouch for him; Mr. Alsharaiah responded that the owner of the taxicab that he would drive would also vouch for him; but that person was not available. He cited several problems he had experienced with Yellow Cab in the past. **Chair Cynthia Odle** recognized Mr. Doug Trimble, manager of Yellow Cab, who said that he would not consider allowing Mr. Alsharaiah to work for him again. **Chair Cynthia Odle** recognized Mr. Johnny White, owner of American Music City Taxi. Mr. White said he would be willing to have Mr. Alsharaiah work for his company on a trial basis, if he could get the appropriate insurance. **Commissioner Roger Abramson** stated that, without anyone else present to vouch for Mr. Alsharaiah's personal assurances, there was insufficient testimony to convince the Commission that his temper would not be a problem, and moved to deny the application. **Vice-Chair Sammye Woods** seconded for discussion. **Chair Cynthia Odle** asked for any further discussion. There was none, and the Commission unanimously approved the motion to deny (5-0).

Ahmed M. Issa: Director McQuiston informed Commissioners that Mr. Issa had been turned down by staff for an initial permit due to his conviction record, but had asked to appeal that decision to the Commission. Mr. Issa failed to appear. **Commissioner Holly Sharp** moved to dismiss the appeal. **Commissioner Roger Abramson** seconded, and motion was approved by the Commission (5-0).

TAXI DRIVER DISCIPLINARY HEARING

Donald L. Barrett: Mr. Barrett arrived late to the hearing, complaining that he had not received notification. Director McQuiston stated that a registered letter had been mailed to him at the address provided by Mr. Barrett on his application. **Chair Cynthia Odle** advised Mr. Barrett that providing the Commission with a correct address was his responsibility. **Chair Cynthia Odle** noted that Mr. Barrett had been arrested on January 6, 2005 for operating his taxicab while under the influence. Director McQuiston informed Commissioners that United Cab had dismissed Mr. Barrett, and that staff had advised all companies that he was not to drive a taxicab until further notice. **Chair Cynthia Odle** noted that Mr. Barrett's court date was to be February 24, 2005, and asked if he wanted to postpone his hearing before the Commission until its March 22 meeting. Mr. Barrett stated that he wanted to appear now. The Commission agreed to hear his case. Mr. Barrett said that his lawyer had told him the DUI case would be dismissed. He stated he had not been drinking; that he was arrested while parked in his car, due to grogginess caused by medication he was required to take; and that he had not been administered a breathalyzer test. **Commissioner James Utley** asked him why he had been driving after taking medication that would make him groggy; Mr. Barrett responded that he had been off duty. **Chair Cynthia Odle** noted that Mr. Barrett's background check indicated a number of other alcohol-related incidents. Director McQuiston stated that this had been a concern when he was issued his permit, but that Mr. Barrett had met the requirements of the ordinance. **Commissioner Holly Sharp** said she was concerned about the medication's influence on Mr. Barrett's ability, and whether he should be entrusted with transporting the public. Mr. Barrett stated that his life had been threatened, and that the medication had been prescribed for ensuing high stress levels. **Commissioner Holly Sharp** asked if waiting thirty days, until after his court date, might be more appropriate for deciding on Mr. Barrett's permit. **Chair Cynthia Odle** asked Mr. Barrett if he had brought his permit to the hearing; he responded that it had been left in his taxicab. **Commissioner Roger Abramson** stated that delaying for the purpose of the court case would not be appropriate, and moved to suspend Mr. Barrett's permit indefinitely. **Commissioner James Utley** seconded, and the motion was approved unanimously (5-0). **Chair Cynthia Odle** explained to Mr. Barrett that he would have to come back before the Commission to request lifting of the suspension, and told Director McQuiston to notify all taxicab companies of the suspension.

OTHER BUSINESS

Airport Policy Change: Mr. Johnny White, co-owner of American Music City Taxi, asked to address the Commission on behalf of the taxicab industry, concerning policy changes proposed by the Metropolitan Nashville Airport Authority which would have a significant adverse financial impact on the industry. He presented a copy of a December 30, 2004 letter sent to all companies by the Airport Authority, outlining a number of new requirements; all of which will require additional expense to taxicab drivers, vehicle owners, and companies. Mr. White stated that the exact impact could not yet be determined; but that it would be substantial, and that the Commission should consider increasing taxicab rates authorized under the ordinance. Director McQuiston told the Commission that he had discussed the proposed policy changes with Mr. White, and then had met with representatives of the Airport Authority. He noted that the Airport Authority Board had delayed approval of the policy,

although this was probably as a result of opposition to other aspects of the overall policy. He stated that at least part of any impact might best be addressed by an increase in the flat fare rate. He added that the increased insurance levels required in the proposal could be very high. He stated that any proposal to amend rates in the ordinance would require an analysis using verifiable information on these insurance costs, however, and taxicab companies had not yet determined what their additional costs would be.

There being no further business, the meeting was adjourned.

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Cynthia M. Odle
Chair